

TO: HONORABLE MAYOR AND BOARD OF DIRECTORS

FROM: BRUCE T. MOORE, CITY MANAGER 

SUBJECT: COMMERCIAL ZONING ENFORCEMENT

DATE: AUGUST 12, 2005

The request was made at the July 26, 2005, Board of Directors Agenda Meeting for staff to prepare an overview of how the City enforces commercial zoning. In addition, staff was asked to develop a program to work with absentee land owners of commercial property regarding the appearance of their property.

Currently, the City's Zoning Ordinance requires that commercial zoning violators be given an initial courtesy notice granting thirty (30) days to comply. Typically, the notice is issued to an on-site responsible party such as a business owner, manager, etc. If compliance is not attained after thirty (30) days, a court citation is issued. If a violator is located out of town; however, in state, an initial letter is sent certified mail, granting thirty (30) days to comply. If compliance is still not attained, a warrant is issued for the violator. If the violator is located out of state, the City asks that they provide an in-state representative. Included in the next Ordinance amendment package, which is to be presented to the Planning Commission on September 1, 2005, for review, is a proposed amendment to reduce the initial notice from thirty (30) days to seven (7) days.

The Building Codes Division issues thirty (30) day notices to owners for removal or repair of designated unsafe and dilapidated vacant commercial structures. This is enforced under Chapter 20 of the 1988 Little Rock Code of Ordinances. A problem that staff has encountered is notification of property owners that live out of the City or State. Under current provisions, a warrant can be issued to owners who do not comply with the thirty (30) day notices; however, the problem with warrants is that it may take months or years to ever get one served. Several of these buildings are in a very unsafe condition and need immediate attention. Housing and Neighborhood Programs currently has an Ordinance which requires that a local agent be listed for absentee owners of residential properties. Staff believes that an option for consideration would be the adoption of an Ordinance similar to the Housing Ordinance and requiring a local agent for commercial properties. This will address several of the issues that have been raised with commercial properties, such as the clean-up of unsafe structures in an expedited time frame.

If additional information is needed, please advise.